THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20805 of 2005

Date:17.10.2005

S.Pandu.

--------PETITIONER

Andhra Pradesh State Road Transport corporation and others.

---------RESPONDENTS

ORDER:

Through a notification, dated 12.10.2001, the authorities of A.P.S.R.T.C. invited bids for construction of shops/stalls in the vacant land available at Miriyalaguda Bus Station. The scheme contemplated the construction of shops with the funds made available by the bidders and allotment of the same for such bidders, for a period of twenty years. The petitioner emerged as the successful bidder, in respect of shop No.8 and he made deposit of Rs.97,000/-. Necessary documents were executed, enabling him to be in possession of the shop, for a period of twenty years, on payment of licence fee of Rs.3,050/-.

The petitioner states that he has chosen shop No.8, on account of the advantageous position at the corner. His grievance is that after he obtained licence for the shop and established business, the respondents are trying to construct four more shops, thereby rendering the location of his shop disadvantageous and affecting his rights. He urges that the respondents did not obtain any permission from the Municipality and that the proposed construction is contrary to the spirit and ambit of the agreement in his favour.

Sri G.Vidya Sagar, the learned counsel for the petitioner submits that at the

time when the respondents issued notification in the year 2001, as many as eight shops were available and the petitioner has chosen shop No.8, on account of its advantageous position. He contends that the respondents cannot defeat the rights of the petitioner by constructing four more shops.

Sri V.T.M.Prasad, the learned Standing Counsel for A.P.S.R.T.C., submits that the Corporation never gave up its rights and that there is nothing in the agreement or licence, which disentitles the Corporation to make further construction.

The learned Standing Counsel for the 4th respondent submits that he is yet to obtain instructions, as to whether any permission was accorded to respondents 1 to 3 for making construction of the additional shops.

The grant of licence in favour of the petitioner in respect of shop No.8 was in pursuance of a scheme introduced by A.P.S.R.T.C., which is different from the grant of licences to various shops and establishments. The petitioner emerged as the successful bidder for shop No.8 and the licence that was granted in his favour enables him to continue in the possession of the same, for a period of twenty years, subject to certain terms. It is true that the Corporation has an absolute right to construct further shops or to put its property for any proper use, in accordance with law. However, the fact that the shop that was allotted to the petitioner was in advantageous position cannot be ignored. If further shops are constructed, shop No.8 would naturally loose its advantageous position. Even for the shops that are proposed to be constructed, licences are to be granted to various individuals. It is not as if the constructions are to be made by the successful bidders. Their role is confined to the making of deposits and the actual construction is undertaken by the Corporation itself. This Court is of the view that the interests of the Corporation as well as the petitioner can be protected by considering the feasibility of shifting the petitioner to the corner shop, which emerges after the proposed construction and by allotting Shop No.8, which may be vacated by the petitioner, to another intending bidder. It, however, is a matter, which needs to be considered by

respondents 1 to 3. The record does not disclose that the matter has been examined from this point of view.

Hence, the writ petition is disposed of, leaving it open to the petitioner to make a representation, in addition to those made, if any, pointing out his grievance, and on receipt of the same, respondents 1 to 3 shall consider the feasibility of allotting the corner shop, that emerges after the proposed construction, to the petitioner. Till such decision is taken, the respondents shall not allot the corner shop of the proposed construction to any third parties. There shall be no order as to costs.

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17.10.2005

Note: Issue C.C. in three days.

(B/o)

Jsu